

### **REMARKS**

This Amendment is responsive to the Office Action dated January 3, 2005. Applicant has canceled claims 1, 3-8 and 10-20, amended claims 21, 23 and 24, and added new claims 41 and 42. Claims 21-42 are now pending.

#### **Claim Objections**

In the Office Action, the Examiner objected to claim 21 because of the use of the phrases “source device” and “source imaging device.” The Examiner interpreted the source device and the source imaging device to be the same element.

Applicant has amended claim 21, consistent with the Examiner’s suggestions, to consistently refer to a source device and not a source imaging device.

#### **Claim Rejection Under 35 U.S.C. § 112**

In the Office Action, the Examiner rejected claims 4 and 17 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are now canceled.

#### **Claim Rejection Under 35 U.S.C. § 103**

In the Office Action, the Examiner rejected claims 1, 3-8, 10-27, 29, 31-34, 36, and 38-39 under 35 U.S.C. 103(a) as being unpatentable over Deguchi et al. (USPN 6,480,202) in view of Hansen (USPN 6,147,664); and rejected claims 28, 30, 35, 37, and 40 under 35 U.S.C. 103(a) as being unpatentable over Deguchi in view of Hansen and Liang (USPN 5,579,031).

Applicant respectfully traverses the rejections to the extent such rejections may be considered applicable to the amended claims. The applied references fail to disclose or suggest the inventions defined by Applicant’s claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

Independent claims 21 and 31 require that the illuminant condition sensor be integrated with the display housing so as to form part of the display device. As previously outlined on the record, this feature is clearly lacking from the applied prior art. In contrast to an illuminant condition sensor being integrated with the display housing so as to form part of the display

device, the applied prior art describes sensors that do not form part of the display housing, but rather comprise stand-alone sensors mounted on the display. In Deguchi, for example, the sensor is described as being mounted on top of the monitor. See column 7, lines 55-56.

In the final Office Action, The Examiner recognized that Deguchi does not disclose or suggest an illuminant condition sensor that forms part of the display device insofar as the sensors in Deguchi comprise stand-alone sensors mounted on the display. However, the Examiner cited Hansen as disclosing an illuminant condition sensor that forms part of the display device. The Examiner concluded that a person of ordinary skill in the art would have been motivated to modify the device of Deguchi to implement the sensors described in Hansen to arrive at the invention recited in claims 21 and 40.

The Examiner's analysis is incorrect. The sensors described in Hansen do not form part of the display device, as the Examiner's analysis would suggest. On the contrary, the sensors described in Hansen are similar to those of Deguchi, insofar as the sensors in Hansen also comprise stand-alone sensors mounted on the display. The Examiner recognized this difference between Applicant's claims and Deguchi. Therefore, it is unclear why the Examiner would cite Hansen, as the sensors in Hansen (like those of Deguchi) do not form part of the display device.

In particular, Hansen describes an ambient light sensor that "can be placed within a number of positions." See column 14, lines 27-30. Moreover, Hansen also indicates that the ambient light sensor is "coupled to the FED flat panel display screen." See column 14, lines 56-67.

The Examiner appears to have focused on the language of Hansen at column 14, lines 15-17, which describes ambient light sensor 580 integrated with a general purpose computer system. However, Hansen is clearly referring to sensors that are fixedly and removably attached to the computer. The arrangement described by Hansen is different than the features of claims 21 and 40, which require the sensor to form part of the display device. Hansen lacks any suggestion of sensor to form part of the display device insofar as Hansen indicates that the ambient light sensor 580 "can be placed within a number of positions... and positions 580a and 580b of FIG. 7 are only exemplary."

The Examiner stated that a person of ordinary skill in the art would have been motivated to modify the device of Deguchi to implement the sensors described in Hansen "to provide a

more compact display device, wherein the light sensors can be integrated and protected when the computer display device (sic) is dropped or damaged.” This statement by the Examiner is improper for at least two reasons. First, the cited motivation was not taken from the applied references. On the contrary, the Examiner’s statement above does not appear in either of the Hanson or Deguchi references.

Second, the combination of Hanson and Deguchi would not provide a more compact display device, nor protect the computer display device from damage, as suggested by the Examiner. To be sure, the sensors described in Hansen are similar to those of Deguchi, insofar as the sensors in Hansen also comprise stand-alone sensors mounted on the display. Thus, if the sensors of Hansen were used in the system of Deguchi, no advantages with respect to compactness or ruggedness would be achieved. Again, Hansen describes an ambient light sensor that “can be placed within a number of positions.” See column 14, lines 27-30. Moreover, Hansen also indicates that the ambient light sensor is “coupled to the FED flat panel display screen.” See column 14, lines 56-67. The Examiner’s statement that the sensors of Hansen would provide the system of Deguchi with a more compact display device, wherein the light sensors can be integrated and protected when the computer display device is dropped or damaged is factually incorrect.

In short, the sensors of Hanson are the same as those of Deguchi insofar as the sensors in Hansen comprise stand-alone sensors attached to the display. Accordingly, the sensors of Hansen, like those of Deguchi do not form part of the display device, as required by Applicant’s claims. Moreover, the Examiner’s statement that the sensors of Hansen would provide the system of Deguchi with a more compact display device, wherein the light sensors can be integrated and protected when the computer display device is dropped or damaged is factually incorrect, and unsupported by the teaching of the applied references. For these reasons, the Examiner’s rejections of claims 21 and 40 are improper and must be withdrawn.

As another very important distinction over the applied prior art, all pending claims recite the adjustment of color data received from a source device for use by the display device based on a source device profile associated with the source device, a destination device profile associated with the display device, and the sensed illuminant conditions. This feature is also clearly lacking from Deguchi and the other applied references. Applicant has already identified this distinction

to the Examiner, but the Examiner has seemingly overlooked Applicant's remarks with respect to this feature.

In the Examiner's analysis of claim 21 in the Final Office Action, the Examiner cited column 7, lines 21-30, of Deguchi as disclosing the adjustment of color data based on a source device profile associated with the source device, a destination device profile associated with the display device, and the sensed illuminant conditions. Applicant respectfully submits that the Examiner has misinterpreted Deguchi. The passage of Deguchi at column 7, lines 21-30, describes alteration of a tone reproduction curve (TRC) and not the adjustment of color data received from a source device. Moreover, Deguchi lacks any suggestion of the adjustment of color data received from a source device based on a source device profile associated with the source device, a destination device profile associated with the display device, and the sensed illuminant conditions.

Again, in Deguchi, the measurement of ambient light is used to adjust a tone reproduction curve (TRC), and not to adjust color data received from a source device. While Deguchi describes the concepts of device profiles, and also describes the sensing of illuminant conditions (via a stand alone sensor), Deguchi lacks any suggestion of the use of source and destination profiles *and* the measured illuminant conditions to adjust color data, as recited in all pending claims.

Insofar as Applicant's claims 21, 31 and 41 recite that the adjustments to the color data are based on the source and device profiles *and* the sensed conditions, these claims require that the sensed illuminant conditions are separate input from the source and device profile input. In this manner, Applicant's claimed invention provides more flexibility to color management. For example, if the illuminant conditions change, color data received from a source device can be modified to reflect this change in illuminant conditions, without requiring the generation of a new TRC curve for the display and a new device profile for the display, as taught by Deguchi. Rather, in accordance with Applicant's claimed invention as recited in claims 21, 31 and 41, a more static device profile can be used in conjunction with the input for the current illuminant conditions. In this manner, adjustments to color data can change to compensate for changing illuminant conditions without any need to re-generate the device profile.

In contrast, if illuminant conditions change in the Deguchi system, a new TRC curve and a new device profile are created. Deguchi lacks any suggestion of the adjustment of color data received from a source device for use by the display device based on a source device profile, a destination device profile associated with the display device, and the sensed illuminant conditions.

Dependent claims 23 and 33 further recite the adjustment of color data received from a source device for use by the display device based on a source device profile, a destination device profile associated with the display device, the sensed illuminant conditions, and sensed emission characteristics of the display. These features are also lacking from each of the applied references. In rejecting these claims, the Examiner cited passages of Deguchi that merely relate to the detection of emission characteristics. However, these cited passages lack any suggestion of the adjustment of color data received from a source device based on a source device profile, a destination device profile associated with the display device, the sensed illuminant conditions, and sensed emission characteristics of the display.

Dependent claim 24 further recites the adjustment of color data received from a source device for use by the display device based on a source device profile, a destination device profile associated with the display device, the sensed illuminant conditions, and sensed reflection characteristics of the display. In rejecting this claim, the Examiner cited passages of Deguchi relating to the reflection of ambient light. Clearly, the cited passages of Deguchi lack any suggestion of the adjustment of color data received from a source device based on a source device profile, a destination device profile associated with the display device, the sensed illuminant conditions, and sensed reflection characteristics of the display.

For at least the reasons outlined above, Applicant believes that the rejections of independent claims 21 and 31 should be withdrawn. Similarly, new claim 41 should be allowed. Applicant also submits that neither Hansen nor Liang provide any teaching that would have led a person of ordinary skill in the art to modify the teaching of Deguchi to either integrate the sensor such that it forms part of the display, or to adjust color data received from a source device for use by the display device based on a source device profile, a destination device profile associated with the display device, and the sensed illuminant conditions. Accordingly, Applicant respectfully requests allowance of claims 21, 31 and 41 and their respective dependent claims.

Applicant does not acquiesce to any of the rejections advanced by the Examiner or the characterizations of the prior art advanced by the Examiner. Applicant reserves the right to present additional arguments with respect to the features of the independent or dependent claims.

#### **Scheduled Interview**

The Examiner has courteously agreed to a personal interview on March 2, 2005 at 10:00 A.M. EDT. Applicant's representatives, Kelly Patrick Fitzgerald and Steven J. Shumaker, look forward to the interview as an opportunity to further explain Applicant's position, and discuss the Examiner's analysis of the claimed invention relative to the prior art.

#### **Conclusion**

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

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